

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KIRK ARDELL SJODIN, JR.,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

Case No. 1:23-cv-00454-SAB

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(ECF No. 7)

Plaintiff Kirk Ardell Sjodin, Jr. (“Plaintiff”), currently incarcerated in Hurricane, Utah, and proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) Along with the complaint, Plaintiff filed an application to proceed without prepayment of fees in this action. (ECF No. 2.) On March 28, 2023, the Court denied Plaintiff’s application to proceed *in forma pauperis* without prejudice. (ECF No. 5.) On April 17, 2023, Plaintiff filed a renewed application to proceed *in forma pauperis*, attaching the appropriate certified trust account statement. (ECF No. 7.) The Court finds Plaintiff’s application demonstrates entitlement to proceed without prepayment of fees.

Notwithstanding this order, the Court does not direct that service be undertaken until the Court screens the complaint in due course and issues its screening order. See 28 U.S.C. § 1915(e)(2) (“the court shall dismiss a case if at any time if the Court determines that . . . the action . . . (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted;

or (iii) seeks monetary relief against a defendant who is immune from such relief.”); Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995) (Section 1915 “authorizes a court to review a complaint that has been filed *in forma pauperis*, without paying fees and costs, on its own initiative and to decide whether the action has an arguable basis in law before permitting it to proceed.”); Ross v. Padres LP, No. 17-CV-1676 JLS (JLB), 2018 WL 280026, at *2 (S.D. Cal. Jan. 3, 2018) (“28 U.S.C. § 1915(e)(2) mandates that the court reviewing an action filed pursuant to the IFP provisions of § 1915 make and rule on its own motion to dismiss before directing the Marshal to effect service.”).

Accordingly, IT IS HEREBY ORDERED THAT:

1. Plaintiff’s application to proceed *in forma pauperis* (ECF No. 7) is GRANTED.
2. Service shall not be undertaken until the Court screens the complaint in due course and issues its screening order.

IT IS SO ORDERED.

Dated: April 18, 2023


UNITED STATES MAGISTRATE JUDGE